

BLACK DIAMOND CITY COUNCIL MINUTES
Special Meeting of July 9, 2012
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the regular meeting to order at 7:00 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Goodwin, May, Benson and Taylor.

ABSENT:

Staff present were: Andy Williamson, Executive Director of Engineering Services; Steve Pilcher, Executive Director of Community Development; Aaron Nix, Natural Resources/Parks Director; Pete Butkus, Interim City Administrator; Chris Bacha, City Attorney and Brenda L. Martinez, Asst. City Admin./City Clerk.

PUBLIC COMMENTS:

Cindy Wheeler, Black Diamond commented on the Xterra special event permit; YarrowBay and City's response on the LUPA case; TIP and potential condemnation.

Sheila Hoefig, Black Diamond spoke in regards to the Xterra special event permit.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Deady to add a resolution as item number 7 to the agenda regarding a ballot measure for changing the form of government of the City. Motion **passed** with all voting in favor (5-0).

INTRODUCTIONS:

Mayor Olness introduced to the audience the City's new Interim City Administrator Pete Butkus. She also introduced our new police officer Brian Martinez.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 12-818, authorizing Aquatic Weeds Vegetation Plan with King County

Natural Resources/Parks Director Nix reported previously Council authorized the Mayor to enter into an agreement with Washington State Department of Ecology for accepting grant funds in the amount of \$25,000 for the development and eventual approval by Ecology an Integrated Aquatic Vegetation Management Plan. The Technical Services agreement will aide staff in the development of this plan with the assistance of staff from the King County Water and Land Resources Division. In addition, the Technical Services Agreement will allow staff the opportunity to continue with water quality sampling services provided by King County on Lake Sawyer into 2016, contingent on request and authorization of these additional services by the City Council.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Benson to adopt Resolution No. 12-818, authorizing the Mayor to enter into a Technical Services Agreement with the King County Water and Land Resources Division in the development of an Integrated Aquatic Vegetation Management Plan and the potential for additional water quality sampling services on Lake Sawyer, contingent on request and authorization by the City of Black Diamond City Council through 2016. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-819, authorizing the Mayor to execute a contract with SubTerra, Inc. to serve as the geotechnical engineering consultant to the MDRT

Executive Director of Community Services Pilcher reported the contract before Council is part of the formation of Master Development Review Team to provide geotechnical engineering consultation. He noted the interview panel consisted of himself, Mr. Nix and Councilmember Goodwin and it was a unanimous recommendation of the panel to hire SubTerra, Inc.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember May to adopt Resolution No. 12-819, authorizing the Mayor to execute a contract with SubTerra, Inc. to serve as geotechnical engineering consultant to the MDRT. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-820, authorizing the Mayor to execute a contract with Parametrix to serve as the survey consultant to the MDRT

Executive Director of Community Services Pilcher reported this is another contract before Council that is part of the formation of the MDRT to provide surveying services. He noted the interview panel consisted of himself, Ms. Martinez and Councilmember Benson and it was the panel's unanimous choice to hire Parametrix.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No. 12-820, authorizing the Mayor to execute a contract with

Parametrix to serve as survey consultant to the MDRT. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-821, authorizing the Mayor to issue a Special Events Permit for Xterra Black Diamond

Executive Director of Community Services Pilcher reported this year Xterra Black Diamond Triathlon is proposed to take place on August 4-5, 2012. He noted since this is a multiple day event and requires Council approval. He pointed out that as part of the event Xterra has requested permission for 15 campsites to be used for out of town competitors. He also added a total of four portable toilets will be provided on-site along with one hand washing station. No more than 100 vehicles will be parked on-site and additional off-site parking has been secured at Sawyer Woods Elementary School as was done last year. The event will use an off duty police officer to ensure safe crossing of pedestrians from the school to the event location. In addition, EMS personnel from Fire District 44 will also be available on race day. The event is being sponsored by local businesses and the coordinator will encourage participants to visit local businesses after the race.

Brad Williams, representing Raise the Bar commented there was no camping in the park last year as they promoted Sunrise Resorts for any participants who wished to spend the night locally. He did note that complaints were heard from racers that there were concerns staying there again due to the late night parties and not being family friendly.

Cindy Wheeler, Black Diamond commented on the missing documentation on the website associated with this event and she also commented on the conditions that were imposed last year.

Following Council discussion regarding the concerns brought forward by citizens and Councilmembers a **motion** was made by Councilmember Benson and **seconded** by Councilmember Goodwin authorizing the Mayor to issue a Special Events Permit for this event subject to no camping and using the same conditions that were imposed on last year's permit. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-812, executing a grant agreement with King County Dept. of Community and Human Services Housing and Community Development for replacement of the 5th Avenue watermain

Executive Director of Engineering Services Williamson reported the contract before Council is for the grant funds the City was awarded from CDBG for replacement of the existing asbestos concrete watermain on 5th Avenue. This project will bring the fire flows up to City standards along the improvements and also improve the reliability of water service. The 2012 project budget was for \$175,000 with the City committing a 20% match with most of the contribution coming from in kind match. The Public Works Department will provide the project administration, grant administration, inspections and project management. He added, the water line construction will have to be completed

while Lawson Creek is dry and at this point the City is expecting to design the project this year, bid early next year and be ready for construction during the dry season in 2013.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Benson to adopt Resolution No.12-812 authorizing the Mayor to execute a grant agreement with King County Department of Community and Human Services Housing and Community Development for the distribution of \$41,000 of grant funds for the engineering and to execute amendments to the agreement to accept the distribution of construction funding. Motion **passed** with all voting in favor (5-0).

Resolution No. 12-823, proposing abandonment of the present classification of said city as Mayor-Council plan of government and that the city be governed under the general law relating to cities of the classification of Council-Manager plan of government

Councilmember Benson explained she brought this forward tonight due to the fact the city does not have an adopted initiative and referendum process for citizens. She noted she is not for or against, but only asking that this be put on the ballot.

A **motion** was made by Councilmember Benson and **seconded** by Councilmember Taylor to adopt Resolution No. 12.-823, proposing abandonment of the present classification of said city as Mayor-Council plan of government and that the city be governed under the general law relating to cities of the classification of Council-Manager plan of government.

Councilmember Goodwin stated this is the first time he has seen this resolution and feels it would be inappropriate of this Council to be inconsistent with its own philosophy of providing adequate time to hear input from the public. He added he was unaware of this and is not ready to vote on it without the opportunity to think about it as well as listen to input from the public as to whether this makes sense. He noted this is not the only way it can go on the ballot that you can also use the RCW process. He asked that this item be postponed until the next Council meeting.

Councilmember Deady noted she disagrees with some of Councilmember Goodwin's comments as the topic has been discussed numerous times at the Town Hall meetings.

Council discussion continued on this item with the Interim City Administrator and the City Attorney and following discussion the motion was withdrawn by Councilmember Benson. There was Council consensus to postpone this item to the next regular meeting with a memo being prepared by the City Attorney on this issue.

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Olness reported on the Miners Day event that was held on July 7, 2012.

COUNCIL REPORTS:

Councilmember Deady commented on the Miners Day event. She noted spending one hour in the dunk tank and participating in the 5K run. She encouraged folks to come out and participate in this event next year.

Councilmember Goodwin commented that he spent an hour in the dunk tank too.

Councilmember Benson commented on her discussions with business owners and vendors from the Miners Day event regarding the changes to the King County code relating to food permits and that some events may not be able to continue.

ATTORNEY REPORT:

City Attorney Bacha clarified an issue on a condemnation comment that was heard earlier during public comment. He discussed state law is very specific and must by ordinance announce condemnation of private property.

PUBLIC COMMENTS:

Cindy Wheeler, Black Diamond further clarified her earlier comment regarding condemnation; need for a memo on the two different forms of government; email exchange between Ms. Martinez and Ms. Proctor.

Tina McGann, Black Diamond thanked Council for postponing action on the resolution that was presented tonight and encouraged Council to have public meeting that is solely dedicated and advertised to the topic of changing the form of government.

Mira Hoke, Black Diamond spoke to Council as a committee member for the Miners Day event. She thanked Councilmembers for their involvement and shared comments she received on the event.

Sheila Hoefig, Black Diamond thanked Councilmember Benson for trying to bring the change in the form of government resolution forward.

CONSENT AGENDA:

A **motion** was made by Councilmember May and **seconded** by Councilmember Deady to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

- 1.) **Claim Checks** – July 9, 2012 Check No. 38434 through No. 38484 (void check 38448) in the amount of \$75,091.47

2.) **Minutes** – Council Workstudy Notes of June 13, 2012, Council Workstudy Notes of June 14, 2012, Council Workstudy Notes of June 19, 2012, Council Workstudy Notes of June 21, 2012, Council Meeting of June 21, 2012, Special Meeting of June 28, 2012

EXECUTIVE SESSION: None

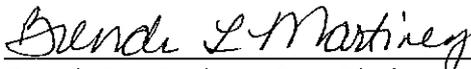
ADJOURNMENT:

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Taylor to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

ATTEST:



Rebecca Olness, Mayor



Brenda L. Martinez, City Clerk